

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
MONDAY, December 13, 2010 – 7:00 PM
CITY HALL, KYROUZ AUDITORIUM
ROBERT GULLA, CHAIRMAN**

Members Present:

Ann Jo Jackson, Co Chair
John Feener
Barry Gradwohl
Steve Phillips

Staff:

Lisa Press, Agent

Items may be heard 15 minutes before their scheduled time.

- I. 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

28-1628- COC from last meeting 139 Hesperus Avenue

This is a project that included a driveway and two car garage. Additional plantings have been added.

Motion: To approve & issue COC for 139 Hesperus Avenue

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: All approved

II. **PUBLIC COMMENT - None**

III **MINUTES REVIEW- None**

IV PUBLIC HEARING approximately 7:15 PM

A. New- 7 Forest Lane Request for Determination submitted by Allison McKay, requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance, to remove a septic system and connect to City sewer. (Map 227 Lot 44).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated that this is a repair of a failed septic system. The existing cesspool will be back filled and replaced with a 3 foot diameter plastic pump chamber that will connected to a 2 inch subsurface pipe. It will be five feet deep.

Plans were shown to the commission. There are no elevation changes or blasting.

Commission Comments:

Mr. Gradwohl stated concern about note number 11 regarding blasting that may occur if needed.

Mr. Judd stated he does not anticipate any blasting.

Ms. Press stated that she would like the applicant to have to come back before the commission if blasting is necessary for the site. This site is right below a dam that is about to go. It is a tight site.

Mr. Feener when there is a fill material there is usually large ledge outcrops that might break away, and they extend past the mulch sock. He asked Mr. Judd how far away the mulch sock is the line going to be.

Mr. Judd stated it is from pump chamber is approximately six feet.

Mr. Feener stated he would like to delineate the ledge outcrops in case the mulch socks have to be moved back.

Public Comment: None taken

Conditions:

- If blasting is required the applicant must come back before the commission before proceeding
- If there are large pieces of excavation which may extend past the mulch sock. If during excavation, anything outside the norm arises the applicant must come before us.

Motion: A negative determination for 7 Forest Lane submitted by Allison McKay, request the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance, to remove a septic system and connect to City sewer. (Map 227 Lot 44).

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: All approved

B. New- 28-2112- 50 Essex Ave. Notice of Intent submitted by the City of Gloucester, 50 Essex Avenue, to construct an addition to an existing structure, increase of paved area and upgrade to existing storm drain, in a riverfront resource area. (Map 217 lot 26).

Presenter: Michael Costa, Campo & Key

Mr. Costa stated that this is regarding phase two improvements for the Gloucester wastewater plant. The project has been working with the order of conditions from phase one. Mr. Costa reviewed the plan with the commission. He stated that there is not much parking on the site and the city would like to create 10 car parking area. It is in the coastal bank. Mr. Costa explained where the catch basins were located and how the valve systems worked.

Commission Comments:

Ms. Press asked how the valve system kicks in

Mr. Costa stated that the operator will be able to see it. There are several improvements that will help them monitor better than they were able to do in the past.

Mr. Gradwohl asked about the pervious area.

Mr. Costa stated they were increasing the pervious area by 1000 square feet. It will be porous pavers.

Ms. Jackson asked about a maintenance plan

Mr. Costa stated that plan will be included when it goes to bid. Construction should start in May. It will be a 2 year construction period.

Ms. Jackson asked about storage removal and snow storage

Mr. Costa believed it would be the same

Ms. Press concerned with storm water issues and other things are going into the resource area. She asked if part of the upgrade requiring different tech mechanisms so it will happen less.

Mr. Costa stated yes it is.

Mr. Feener asked about the trees being removed in the island. There will be 3-4 trees removed. This is the situation where the commission would like to see switch grass and other grasses there because it will be more functional and protect the area.

Mr. Press asked about Pines being removed.

Mr. Feener stated that Red Cedar is acceptable to replace pines along parking space area. Mr. Feener would like to know square footage because it is not just pines.

Ms. Press stated she would like to see the snow removal not pushed against the marsh.

Public Comment: None

Conditions:

- **Correct the drawings to reflect the correct topography**
- **Include switch grasses in top area and along parking as well as red cedars to mitigate for the increase in pavement**
- **Number or square footage of the plantings will be reflected on the final drawing**
- **Snow removal and storage to be clarified on the final drawings**
- **Developing or expanding the operational maintenance plan**
- **Before any vegetation is removed proper documentation of species types and materials to be submitted.**

Mr. Feener stated that before any vegetation is removed proper documentation of species types and materials to be submitted.

Motion: To continue 50 Essex Ave. Notice of Intent submitted by the City of Gloucester, 50 Essex Avenue, to construct an addition to an existing structure, increase of paved area and upgrade to existing storm drain, in a riverfront resource area (Map 217 lot 26) to January 19 at 7:05.

1st: Barry Gradwohl

2nd: John Feener

Vote: All approved

C. Continuation-28-2109- 99A Essex Avenue, Notice of Intent submitted by Allan Hill, for after the fact removal of 42 cubic yards of soil in a riverfront resource area. (Map 218 lot 126). Applicant requests continuation to December 15, 2010.

Motion: To continue 99A Essex Avenue, Notice of Intent submitted by Allan Hill, for after the fact removal of 42 cubic yards of soil in a riverfront resource area. (Map 218 lot 126) to December 15, 2010.

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: All approved

V. PUBLIC HEARINGS approximately 8:15 PM

A. Continuation-28-2096- 134 & 136 Hesperus Avenue, Notice of Intent submitted by John Ferraro, to conduct site improvements for a new subdivision including; drainage, utilities, and roadway in buffer to an inland resource area. (Map 190 lots 41 & 61).

Applicant requests continuation to January 19, 2011.

Motion: To continue 134 & 136 Hesperus Avenue, Notice of Intent submitted by John Ferraro, to conduct site improvements for a new subdivision including; drainage, utilities, and roadway in buffer to an inland resource area. (Map 190 lots 41 & 61) to January 19, 2011.

1st: John Feener

2nd: Steve Phillips

Vote: All approved

B. New-28-2110- 109 Wheeler St Notice of Intent submitted by Elizabeth Levin, to construct 2 additions to existing dwelling, remove portion of impervious drive and add plantings in a riverfront resource area. (Map 99 lot 34).

Presenter: Liz Flavin, 109 Wheeler st

Ms. Flavin stated that she is planning an addition for handicap access for the first floor and also replacing windows. The river is across the street. Ms. Flavin explained the plan to the commission. There is a tree in question that we would like to keep. We have been advised that it may be hazardous to the house.

Commission Comments:

Ms. Press stated there is 100 foot coastal bank and 200 foot riverfront. One of the concerns is the health of a tree.

Mr. Feener stated there are roots issues for the tree. The tree has some signs that it could be hazardous.

Ms. Flavin stated that the addition has been designed to protect the tree.

Ms. Press that there is an area in front of the house that made sense to do plantings. May want planting area divided into 2 areas.

Mr. Feener stated that Ms. Flavin may want to have an expert come out to look at the tree.

Ms. Press stated that if the tree is diseased and hazardous, there is a form at the Conservation office that needs to be filled out and then the tree could be removed.

Public Comment: None

Conditions:

- **2 for 1 mitigation for plantings in front of house toward resource area**
- **Slab foundation**
- **Arborists to assess the tree safety**
- **Clarify final details with Agent**

Motion: To approve 109 Wheeler St Notice of Intent submitted by Elizabeth Levin, to construct 2 additions to existing dwelling, remove portion of impervious drive and add plantings in a riverfront resource area. (Map 99 lot 34)

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: All approved

C. Continuation- 28-2034- 99A Essex Ave- Notice of Intent submitted by David Hill, Gloucester Hotel LLC, to construct a 15, 940, 00 sq. ft. commercial building, a 1,710 sq. ft canopy with associated excavation, foundation and utilities and parking area in riverfront and coastal bank resource area. (Map 216 lots 1, 17 & 126)

Steve Phillips left the meeting at 8:15 pm
Mr. Robert Gulla & Charles Anderson joined the commission
The recorder was started late into the conversation.

Ms. Jackson stated that 36a will include reference to the larger scope of work that will be conducted on the site and we will be required an addressing of the 21e issues with a statement from a licensed LSP and a response action outcome.

Recorder cut out for a bit

Ms. Jackson stated that the last sentence should read 36A that applicant must obtain

Mr. Jones stated that applicant is not this applicant. Do not want people to get confused by the word applicant.

Ms. Jackson commented on 36B all planting used on the site must be regionally native and must not include non native invasive plants.

Mr. Gulla asked if there was already a planting plan.

Mr. Jones stated that it would have been Mike DeRosa's plan that addresses the entire southern side of the site. It doesn't address the areas immediately around the building.

Mr. Gulla asked if they are they part of mitigation. We need to clarify what they are.

Mr. Jones the first concern that it is work in riverfront without any plan.

Mr. Gulla stated that he is not as concerned as to what is planted, but what the controls will be.

Ms. Press stated that we would want native and it is in our purview to ask them to come back when they get at that stage.

Mr. Jones stated that the way it was written they would have to have a plan before any work was going to be done on the site and it would be have to have the approval of the commission.

Mr. Gulla what is the size of the area.

Mr. Jones it will be approximately 2000 square feet.

Mr. Pagett stated something here and Ms. Jackson asked that it be submitted for the record. I couldn't hear on the recorder. I don't think he had a microphone.

Ms. Jackson stated that C deals with Storm Water Kelks, D with a swip, E with a CPPP.

Mr. Jones stated the CPPP stands for Construction Period Pollution Prevention Plan. None of these plans can be files at this stage because the contractor has to be identified.

Ms. Jackson stated that F deals with vibration monitoring.

Mr. Jones stated that information was presented stating that piles can be driven without any impact. It is to monitor the vibrations as the piles are being driven, so everyone knows it is within the parameters represented.

Ms. Jackson stated 38 deals completion of assuerty of completion to Gloucester.

Mr. Jones stated that the purpose of this to protect the interest that the commission is concerned with. If it turns out that an applicant starts a project and then abandons it's your looking to have fines to stabilize the site.

David Hill, Gloucester Hotel, LLC

Mr. Hill stated that this is very expensive. I am hearing 5,6,8 thousand dollars to get a \$50,000 dollar bond. Is this overkill? I have done projects over the last 40 years and have never run into something like this. It is already an expensive project. I would almost rather buy a CD prior to construction where I can put the money up and put the issue to bed.

Ms. Jackson stated that she did not have a problem with putting the money in escrow.

Mr. Gulla concurred. However you understand the principal behind it. We do not want the project to go bankrupt. Are you willing to put \$50,000 in escrow?

Mr. Hill stated that he will look into that. We are not going to go bankrupt.

Ms. Jackson stated she would accept a solution, as long as the money is available should the site fail.

Mr. Jones stated something that I couldn't hear on the recorder.

He stated is that the difficulty is that some folks have moved away from letters of credit and tri-party agreements because of issues that have arisen with those. People are comfortable with a completion bond or cash.

Ms. Jackson read through 39- 46 of the project. Then came to Phase during Construction.

Jim Pagett, Project Manager

Mr. Pagett stated that it is appreciated Mr. Jones comments, but was concern with being able to come up with a cost for Mr. Jones to monitor the site?? (Couldn't understand him)

Mr. Jones stated that oversight is difficult. He stated he would go to the site when Ms. Press asked him to go.

Mr. Gulla stated that at Gloucester Crossing the third party agent was on call by the Agent. For the most part when we had real issues that crop up the reviewer was called.

If the job is well done, you may not see much of Mr. Jones. It will depend on who you hire and how well the job is done.

Ms. Press stated that it helps to have a point person for the site who understands the conditions and what is allowed and what is not allowed. This person would report to directly to me.

Mr. Pagett stated that he understood that it was up to them. He stated he was just trying to get a better understanding.

Mr. Jones stated it could also be done by depositing \$3000 with the commission and then Mr. Jones would go to the site when the Agent asks.

Ms. Jackson went through 47, 48, 49, 50

Ms. Jackson stated that on #50 there is a corrected typo "the report shall also address the current condition of erosion and sedimentation controls and shall describe report shall be sent to the commission by email within two days of the inspection followed by a copy in the mail.

Ms. Jackson went onto 51& 52. # 52 is another cross reference that needs to be checked. She covered 53,54,55,56.

Mr. Gulla wanted to make sure Silt Socks were used regarding # 56.

Mr. Jones stated that there is detail on the plan stating they were.

Ms. Jackson stated that on #55 there was a typo in the third full line on the bottom. Correct to; "Gloucester Conservation Commission agree that they are no longer needed."

Ms. Jackson went on to #57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, and 75.

Mr. Jones stated that the applicant raised a question on # 75 because they have a pile founded building. The intention of #75- there is no problem if they start the building or roadways and want to amend that by saying" prior to the construction of any building roof or the creation of any impervious surface on a roadway or parking area. That says that before you create the runoff, the drainage system is to be in place.

Ms. Jackson and the commission were in agreement with the amendment.

Someone was talking and did not get recorded.

Charlie Wear, Meredian Associates

Mr. Wear stated that the planting that goes into the storm water basin gets monitored for a growing period.

Mr. Gulla stated that his concern with these types of projects is the last thing that gets taken care of is the environment and would like to see the wetlands, and the plantings and the

mitigation going on as soon as practicable with the building. They should be going on together.

Mr. Wear agreed with Mr. Gulla. The way it is written doesn't sound like they are going on together and that is how it is going to happen.

Ms. Jackson went on with #76, 77, 78, with a correction on # 78 "and must not include non native invasive plants". Ms. Jackson continued with 79, 80, and 81. Ms. Jackson asked if staked hay bales or straw bales were being used.

Ms. Press stated that the commission is moving away from using either of them.

Mr. Jones stated that filter net can be used.

Ms. Press agreed.

Ms. Jackson went on to 82, 83, Ms. Jackson stated to insert "any".

Ms. Press stated that #83 was discussed with Mr. Jones regarding the quality of the fill.

Mr. Jones stated that fill will be brought in.

Ms. Jackson went on to 84, 85, 86, 87, 88, 89, 90, 91, 92-105.

Mr. Gulla stated he had some points he wanted to review. One concern during construction is the trash management during and after. Is there a plan in place?

Mr. Jones stated it was in the Good Housekeeping section for the construction and long term plans.

Mr. Gulla also stated that he would like in the Perpetual part "no ?? the coating that is put on asphalt (the sealant)

Mr. Gradwohl stated that regarding any type of mosquito control or rodent control and would like to see it in the construction area.

Mr. Gradwohl stated to take # 99 and put it in that section.

Ms. Press stated that we are beyond the 21 days and we need to a little farther beyond the 21 days while this is written. Ms. Press also stated that findings will need to be worked on in the order.

Ms. Jackson clarified that Mr. Gradwohl comment was to leave the order to only ant and roach control only.

Motion: To approve the order of conditions for 99A Essex Ave- Notice of Intent submitted by David Hill, Gloucester Hotel LLC, to construct a 15, 940, 00 sq. ft. commercial building, a 1,710 sq. ft canopy with associated excavation, foundation and utilities and parking area in riverfront and coastal bank resource area. (Map 216 lots 1, 17 & 126)

1st: Robert Gulla

2nd: Barry Gradwohl

Vote: All approved

VI. PUBLIC HEARINGS approximately 9:15 PM

A. Continuation- 28-2101-31 Stanwood Ave. Notices of Intent submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area. (Map 230 lot 51).

B. 28-2100 33 Stanwood Ave

C. 28-2099 35 Stanwood Ave- Applicant requests continuation to January 19, 2011.

Motion: To continue 31 Stanwood Ave Notices of Intent submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area. (Map 230 lot 51) to January 19.

1st: Robert Gulla

2nd: Barry Gradwohl

Vote: All approved

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

VII. AGENT'S REPORT ON VIOLATIONS

EO 239 Eastern Avenue

Motion: To continue 239 Eastern Ave to December 15

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: All approved

B. Requests for Certificates of Compliance

C. Requests for Extension Permits

The commission voted to approve the Agent Lisa Press's hours up to 35 hours per week. The finances and the funds are available to the commission.

Motion: To approve Agent Lisa Press hours to be increased to 35 hours per week.

1st: Barry Gradwohl

2nd: Robert Gulla

Vote: All approved

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department via e-mail at mdemick@gloucester-ma.gov or via phone at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at www.gloucester-ma.gov Click Community Development for a link to Conservation.

Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail